

**Comments by the Slovak Republic on the report by Nils Muižnieks,  
Council of Europe Commissioner for Human Rights  
following his visit to Slovakia in June 2015**

Slovak Republic takes note with interest of the report by the Council of Europe Commissioner for Human Rights following his visits to Slovakia on June 15-19, 2015. The relevant ministries of the Slovak Republic will make an effort to take into account the Commissioner's recommendations addressed to the Slovak Republic in their ongoing work with the aim to consistently uphold and further develop human rights in Slovakia. The Commissioner's report on the Slovak Republic will also be subject of discussion by the advisory government body - the Government Council for Human Rights, National Minorities and Gender Equality. Slovakia welcomes the opportunity to engage in constructive dialogue with the Commissioner's office and we would like to thank the Commissioner for close co-operation during and after the visit.

With respect to the report, Slovak Republic would like to take the liberty to state the following:

Since the time of the visit a progress was made in certain areas or a number of steps have been taken in issues, which are also the subject of interest by the Council of Europe Commissioner for Human Rights.

**- On June 30, 2015 the National Council of the Slovak Republic adopted the Amendment to the Act on Upbringing and Education, as amended (hereinafter "the School Act").** These legislative measures aim to improve situation in education of children from socially disadvantaged environment, where children from marginalised Roma communities represents considerable part. This amendment was prepared by the Ministry of Education, Science, Research and Sport of the Slovak Republic (hereinafter "Ministry of Education") with regard to the international commitments of the Slovak Republic and the constant comments regarding the Slovak Republic from international organizations due to alleged discrimination and segregation of Roma children and students in the Slovak Republic in terms of education. These are further legislative measures in the area of segregation and discrimination which aimed to achieve such application of the School Act which does not allow the confusion of special upbringing and educational needs based on disability with special upbringing and educational needs arising exclusively from the socially disadvantaged environment.

#### **Changes in School Act**

1. It has been directly established in the norm that a child or student whose special upbringing and educational needs arise from his/her development in a socially disadvantaged environment, may not be enrolled in special school or a special class in kindergarten, elementary school or a special class in a secondary school. In practice, it means that the sole

reason for enrolment in a special school cannot be origin in a socially disadvantaged environment.

2. The law explicitly and directly establishes the enrolment of children and students from socially disadvantaged environments in classes with other children and students. This measure definitively prevents segregation.

3. The Amendment regulates the functioning of a specialized class – this class serves for acquiring lacking knowledge and catching up with other students of the relevant year. Students are placed in this class based on the proposal of their class teacher with the opinion of an educational counsellor and the consent of his/her parent (legal representative) for a maximum of 1 year. In comparison with the previous legislation, the maximum length of placement of student in such class must be explicitly limited.

4. Changes are also related to the provision of a contribution to students from a socially disadvantage environment. It will only be provided for students from SDE who will be placed in a regular class.

5. The state control mechanism over the activities of school facilities of educational counselling and prevention has become stricter; this also applies to enabling the relevant subjects to re-evaluate diagnostic methods and proposals to place a child or student in a specific form of upbringing and education. It enables the State School Inspectorate to consider, among others, incorrect diagnostics as a severe shortcoming in the activities of a special educational facility or school facility of educational counselling and prevention, which is necessary for the correct educational placement of a child according to his/her special upbringing and educational needs.

In particular

#### *Article 107*

*Upbringing and education of children and students from a socially disadvantaged environment*

*(1) The upbringing and education of children and students from a socially disadvantaged environment is carried out at schools according to individual conditions. The following are the individual conditions:*

*a) adjustment to the organization of upbringing and education,*

*b) adjustment of the environment in which upbringing and education is carried out and*

*c) application of specific methods and forms of upbringing and education.*

*(2) A child or student whose special upbringing and educational needs arise exclusively from his/her development in a socially disadvantaged environment cannot be enrolled in special*

*school or a special class of kindergarten, special class of elementary school or a special class of secondary school.*

*(3) Children or students from a socially disadvantaged environment are enrolled in a class of kindergarten, class of elementary school or class of secondary school together with other children and students. This does not apply if this pertains to the enrolment of a student from socially disadvantaged environment that is placed in*

*a) a zero class of elementary school with the informed consent of his/her legal representative  
or*

*b) a specialized class pursuant to Article 29 Section 11.*

*(4) The Ministry of Education may provide a contribution for the improvement of the quality of conditions for the upbringing and education of students from socially disadvantaged environment (hereinafter referred to as the “Contribution to students from a socially disadvantaged environment”) to the founder of school pursuant to Article 27, Section 2, letter b). The contribution to students from a socially disadvantaged environment is provided according to the number of students from a socially disadvantaged environment who are not educated in a special class or in the form of school integration for the coverage of costs for*

*a) the wage or salary of a teacher’s assistant for students from a socially disadvantaged environment, including the premiums for compulsory public health insurance, social insurance, contribution to old-age pension saving and contribution to complementary pension saving;*

*b) didactic equipment and teaching aids;*

*c) the participation of students in activities pursuant to Article 30, Section 7;*

*d) the upbringing and education of students in specialized classes;*

*e) the prevention of the transmission of the contamination of transmitted diseases; and*

*f) an additional fee<sup>61</sup>) for working with students from a socially disadvantaged environment.*

*(5) The amount of the contribution for a student from a socially disadvantaged environment is determined and published by the Ministry of Education on its website.”*

*Footnote to reference 61 reads:*

*“<sup>61</sup>) Article 14d of Act No. 553/2003 Coll. on the Remuneration of Certain Employees for Work in the Public Interest in the wording of Act No. 390/2011 Coll.”.*

**- On August 26, 2015 the Slovak Government adopted the Amendment to the Criminal Code, which *inter alia* amends the provisions regarding a special motive in § 140 letters d)**

and f) of the Criminal Code **to include reasons based on sex and gender.** The proposed change relates to the amendment of Act no. 365/2004 Coll., on equal treatment in certain areas and on protection against discrimination and on a change and amendments to certain laws (the Antidiscrimination Act), as amended by subsequent regulations, and identified growing number of cases of violent crimes, with motive being hatred towards a sex (mainly towards women as a group), alternatively to transgender persons. The legislative bill amends the Criminal Code as follows:

In § 140 letter d) after the word “origin of gender,“ words “of sex or gender,“ are inserted.

In § 140 letter f) after the word “skin,“ words “hatred based on sex or gender,“ are inserted.

At the same time we wish to point out the that the Criminal Code already in its current wording prosecutes also crimes committed based on special motive pursuant to § 140 in letter f) motivated by nationality, ethnic or racial hatred, hatred based on the colour of skin, hatred based on sexual orientation or according to g) with sexual motive.

**- On September 29, 2015 the National Council of the Slovak Republic expressed its approval with ratification of the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse** (the Lanzarote Convention).

**With respect to discrimination,** we wish to note the following:

Act no. 365/2004 Coll., on equal treatment in certain areas and on protection against discrimination and on a change and amendments to certain laws (the Antidiscrimination Act ) does not distinguish the level of protection based on the reason for discrimination. The law only lists the exemptions from the obligation to maintain equal treatment in justified cases.

**With respect to item 14** we wish to note that the Plenipotentiary of the Slovak Republic for Roma Communities, is an advisory body to the government with respect to Roma communities in Slovakia, and at the same time it implements systemic measures to improve their status and integration into society. The Plenipotentiary of the Slovak Republic for Roma Communities reports to the Slovak Government and co-ordinates his activities with the Minister of Interior of the Slovak Republic.

**With respect to item 57** we wish to note, that systematic and appropriate training of law enforcement bodies for identification, effective investigation and penalisation of hate motivated crimes in Slovakia are in progress, namely not only at the Police Force level, but involving the Prosecutor’s Office as well. Data involving hate motivated actions and crimes have been, over long-term, closely monitored by the Prosecutor's Office, and the assessment of this data is part of annually published reports on activities by the Slovak Republic’s

Prosecutor's Office. An accredited educational project titled "Train the trainers" was designed for the Police Force needs, providing training for police officers who encounter, as part of their work, crimes of extremism and racially motivated crimes, whereby this project has been in existence since 2013.

**With respect to item 64** we wish to add, that since 2014 the office of the Plenipotentiary of the Slovak Republic for Roma Communities organises every year, on the occasion of the Roma International Day (April 8) a celebratory gala evening "Amaro Džives - Our day", which is broadcast by public service TV during a prime-time slot. Part of the gala evening is also a prize awarded by the Plenipotentiary for Roma Communities ROMIPEN, which every year recognises 3 personalities, who contributed to an improvement in relations between Roma and the majority population and towards political, educational and cultural promotion of Roma people.

Since 2014 the Plenipotentiary for Roma Communities publishes a magazine *Romane nevipena – Roma newspaper*, aiming at improving the information flow to cities and villages, as well as for people working in auxiliary professions (e.g., assistant teacher, field social worker, community worker, health education assistant, police officer specialist, etc.), participating in projects focusing on improving the situation of Roma communities in Slovakia. The magazine is published in print and electronic format and also available on the Plenipotentiary for Roma Communities website.

Together with the public service TV station, the Plenipotentiary for Roma Communities organises every year a memorial program commemorating the Roma Holocaust Day - Poraimos (August, the 2<sup>nd</sup>).

**With respect to item 69** we wish to note that it is possible to concede that with respect to the relevant criminal act, police officers, indicted by the prosecutor, were acquitted. However, the prosecution exercised its right to file a regular remedial measure against the court ruling on lifting the prosecution's charges. The fact that so far no ruling has been handed down with regards to the prosecution's appeal cannot be influenced by the Prosecutor's Office, because the court acts and delivers judgments as an independent body. However, during the pre-trial proceedings there have been no undue delays on part of the law enforcement agencies.

**With respect to item 70** we wish to note that in this matter an investigation is under way, conducted by the control and inspection service section of the Ministry of Interior of the Slovak Republic, the duration of which is affected by a considerable range of actions and demanding execution. Due to ongoing investigations no further information can be provided at present. At the same time the prosecutor concerned is carrying out active supervision and no delays attributable to the law enforcement agencies were identified. Equal situation applies **to items 71, 72 and 75**, conducted by the control and inspection service section of the Ministry of Interior of the Slovak Republic, the duration of which is affected by a considerable range of actions and demanding execution.

It is necessary to state that provided that the obtained evidence will justify charges being laid against police officers, who participated in the operation, the approach taken with regards to these officers will be in accordance with the appropriate provisions of the Criminal Order governing the process of laying charges.

**With respect to the independent control and inspection mechanism,** we concluded that the control and inspection service section of the Ministry of Interior of the Slovak Republic is an expert unit directly reporting to the Minister of Interior and charged with investigating criminal actions by members of the Police Force, which investigates in accordance with the Criminal Order and Criminal Code all crimes committed by members of the Police Force, irrespective of gender, race or ethnic origin of the aggrieved party. Investigation of a possible mistreatment of persons having their personal freedom restricted is provided by the control and inspection service section of the Ministry of Interior of the Slovak Republic and at the same time by the Prosecutor's Office and the Ombudsman, who in their capacity as constitutionally appointed bodies provide the highest possible degree of guarantee of institutional independence. Slovak Republic is of the opinion that the extent of incidence of these phenomena in SR does not require the formation of an independent security unit, charged exclusively with the investigation of such highly specified area of criminal activity. The existing model for investigation of such type of crime in Slovakia is delivered in a manner fully respecting the requirements for this body's independence from the Police Force structures and at the same time it is producing high level of efficiency, effectiveness and expertise with respect to the inspection services tasks, as defined by law, i.e., to uncover any criminal activity by members of the Police Force and its investigation.

Furthermore, it needs to be stated that Criminal proceedings are governed in Slovakia by Act no. 301/2005 Coll. Criminal Order, as amended, which is binding for all bodies involved in the criminal investigation. The Criminal Order incorporates all principles of effective investigation in criminal matters, pointed out by the Commissioner for Human Rights. The legal framework of the Slovak Republic affords to all bodies involved in criminal investigation proceedings (police officers and prosecutors) independence in the performance of their duties, namely also in investigation and supervision of individual criminal cases. We wish to point out that in a criminal matter the Prosecutor's Office exercises an active, the so-called supervisory authority and it guarantees the lawfulness of the approach by the law enforcement agencies. The adequacy principle, as indicated by the Commissioner for Human Rights in his report, is fully supported by Slovak legislation. With respect to the application of promptness principle (regarding committed crime), the prosecution in principle responds promptly to each crime, it becomes aware of. With respect to the public scrutiny principle, this is not possible as proposed, due to the fact that the Slovak legislation treats pre-trial proceedings being part of criminal proceedings, as non-public proceedings. The victim involvement principle is enshrined in Slovak legislation by his/her rights, secured from the position of being a witness - the aggrieved (e.g., the right to make a statement addressing the matter, to comment on gathered evidence, to seek damages compensation and to enforce evidence, the right to apply for evidence to be exercised or added, to participate in the main

proceedings and other). Entitlement of the aggrieved in criminal proceedings are broad and they secure effective involvement in the criminal proceedings.

**With respect to item 78** we wish to note that from May 1, 2015 a total of 267 senior police officers for work in communities have been operating out of selected police force departments. In terms of personnel with respect to these positions, members of Roma community are able to apply to join the Police Force equally as anybody else, and they must complete a proper selection programme, having to meet equal requirements with respect to education, physical and psychological capabilities, as all other applicants.

**With respect to item 79** we wish to note that the so-called Roma civic watch (RCW), under its official title *Civic watch in marginalised Roma communities' environment* operate under the Implementation agency of the Ministry of Labour, Social Affairs and Family of the Slovak Republic. The office of the Plenipotentiary for Roma Communities took an initiative and prepared a methodology guide for municipalities under the title "*Civic watch in marginalised Roma communities' environment*", aim of which is to assist the cities and villages to set up these patrols and in their effort to involve Roma from local communities in co-operation with the municipal police. The objective is to use the RCW tool in municipalities to strengthen the local activism, support community development, to reduce the incidence of antisocial behaviour, to maintain public order in locations occupied by marginalised Roma communities. A positive benefit of RCW is that the members are selected from among jobseekers, receiving social benefits, registered with the Labour, Social Affairs and Family Office of the Slovak Republic. As proposed by the Plenipotentiary for Roma Communities, in addition to the office staff of the Plenipotentiary for Roma Communities, police force specialists for working with communities can also apply. Members and co-ordinators of RCW patrols are employed by municipalities and in addition to the municipal police they also co-operate with police specialists for work with communities.

**With respect to item 109** we wish to note that the members of Roma civic patrol are not Police Force members, they have not completed a proper police selection programme, they have no police education and when on duty, they do not participate in operations together with members of the Police Force. Also, they do not carry out joint field duty with members of the Police Force. The Police Force uses the so called "Voluntary order guardian" concept, which is regulated by Chapter 7 of Police Act no. 171/1993 Coll., as amended, and it needs to be pointed out that this does not refer to members of the Roma civic patrol.

**With respect to item 101** we note, that in 2011 the government, by its resolution no. 392/2011 approved the "Proposal for a pilot approach to using EU structural funds for housing infrastructure". The next step was the approval of the "Proposal for implementation mechanism for a pilot approach to using EU structural funds for housing infrastructure" (JESSICA), which was approved by the Slovak Government on 3.10.2012, containing also solution proposals for the construction of rental apartments for marginalised groups of population. This process was completed by a publishing of a call for the submission of non-repayable financial contribution applications under the Regional Operational Programme

(dated 17.12.2013) for the construction of rental apartments for marginalised Roma communities (call code hROP-4.1b-2013/01).

As part of the Call for support of social and cultural needs and addressing the extremely adverse situation of the Roma community, the Office of the Plenipotentiary for Roma Communities supported the self-help building of family homes in marginalised Roma community settlements. Eligible applicant for this type of subsidy could have been the municipality (village or city), which is at the same time the real estate owner. Future tenants were selected by the municipal social committee. Results of this activity were used as an input for defining measures in the area of housing in Operational Programme Human Resources. (Priority axis 6 - Technical facilities in municipalities with presence of marginalised Roma communities).

**With respect to the topic of Education**, we would like to state the following:

Ban on discrimination is stipulated in the School Act (ban on discrimination, segregation in particular, principles of equality of access to upbringing and education while taking into consideration the upbringing and educational needs of an individual and his/her co-responsibility for own education, free choice of occupation and the expectations and qualifications of children and students in compliance with the possibilities of upbringing and the educational system).

Ministry of Education definitively expresses its negative attitude to segregation, not only in legal regulation, but also in ministerial regulations such as in section 1.6.4: National minorities, socially disadvantaged environments, foreigners, and discrimination of the Pedagogical and organizational instructions for relevant academic year, starting with the 2012/2013 academic year. For example, Point 7 of the instructions for the 2015/2016 academic year states the following: “All forms of discrimination and segregation must be thoroughly prohibited at schools and school facilities. Undesirable phenomena such as spacial, organizational, physical and symbolic exclusion or separation of Roma children and students due to their ethnic origin (frequently in combination with social disadvantage) from the other children and students must be eliminated. The problems of children and students from marginalised groups which complicate the process of their enrolment in regular schools and school facilities, placement in regular classes and upbringing and educational process must be resolved. Suitable conditions for their education at schools and classes together with the majority population must be created. Pursuant to Point 8 of the aforementioned instructions, the inclusive education of children and students in all kindergartens, elementary and secondary schools, i.e., public, private and parochial (church) schools while using specific teaching methods must be implemented. Details – EU Official Journal 24. 12. 2013 Recommendation of the Council of 09. 12. 2013 regarding effective measures for integration of Roma in Member States.

Another measure for the thorough integration of students from a socially disadvantaged environment in regular elementary schools classes was published by the Ministry of



Education in 2013 in the ministerial regulation entitled Method for centres of pedagogical and psychological counselling and prevention in assessing the educational abilities of children from a socially disadvantaged environment and in their placement in elementary schools.

Elementary school and kindergarten at Šarišské Michalany – decision of the Prešov district court. Pursuant to the judgment, the school was guilty of discrimination and illegal action by creating Roma classes. The court ordered the school to correct the situation and to create mixed classes. Read more at: <http://sabinov.korzar.sme.sk/c/6587005/odvolaci-sud-potvrdil-segregaciu-ziakov-v-sarisskych-michalanoch.html#ixzz3kl6iGpyd>

From that time, the school began to cooperate intensively with the civic association OZ EduRoma, and Mr. Vlado Rafael, its chairman.

Present situation: School gradually eliminates segregation (30.08.2015; STV 1; News of RTVS; 19:00; por. 10/22; Diana Murdziková / Janette Štefánková) statement of Mr. Rafael - "Today we can clearly state that the school at Šarišské Michalany is no longer guilty of segregation."

The decision of the Court of Prešov related to the Elementary school in Šarišské Michalany was a signal to the Ministry of Education that schools need more help. Since 2012, the ministry has published the call for the following development project – Supporting the creation of a positive social climate and motivation in multicultural classes of elementary schools or Supporting the upbringing and education of students from a socially disadvantaged environment at elementary schools.

<b>Year</b>	<b>Number of elementary schools development projects supported</b>	<b>Sum</b>
2012	23	60,500 Euro
2013	16	52,437,Euro
2014	21	50,000 Euro
2015	20	50,000 Euro

Ministry of Education is aware of the fact that artificial ethnic segregation is an evil, similar to discrimination based on gender, age, nationality, etc., which in the Slovak Republic is prohibited by the Antidiscrimination Act and the School Act (prohibition of all forms of discrimination, segregation in particular), furthermore, this Act guarantees the same treatment in education for a child, student and the same applies to employment relationships among the pedagogical staff. The decision of the Court of Prešov related to the elementary school in Šarišské Michalany is an example of this, because the court referred to the valid School Act which prohibits discrimination - segregation in education. Pursuant to valid legal

regulations, all children, including the children of foreigners, have an equal position with the same guaranteed rights and obligations in the school upbringing and educational system of the Slovak Republic.

However, in real life we encounter an inherited resistant segregation which is transferred to schools and with a marked demographic curve in past 10 years, especially in sites with a high concentration of marginalised Roma communities in comparison with the overall demographic development in Slovakia. On one hand, we must begin the rationalization of the network of schools, but in sites with marginalised Roma communities, the spatial capacities of elementary schools and kindergartens are insufficient.

As to the topic of the **inclusive education**:

The generally binding legal regulations of the Slovak Republic do not support the placement of children with mental and psycho-social disabilities in special schools.

Relevant provisions are established to ensure that a student with a disability may be educated in:

- a) regular classes of regular schools,
- b) special classes of regular schools, and
- c) special schools.

It is a fact that the term “inclusive education” does not appear in applicable legislation; however the term “school integration” (in relation to students with disabilities) is defined in legislation. Education of students with disabilities in form of school integration is guaranteed by the School Act in its valid wording. The quoted provision of Article 29, section 11, which reads “Exercising the rights of an included student with special upbringing and educational needs cannot limit the rights of the other students who participate in upbringing and education.” is not included in the valid wording of the School Act, it has been amended and omitted.

**With respect to item 145** we note that self-governing regions are not responsible for the funding of special schools and counselling centres. Special schools and school facilities of educational counselling and prevention (centre of pedagogical and psychological counselling and prevention and centre of special pedagogical counselling) are funded from the state budget through the Ministry of Education and district authorities in the seat of the region (i.e., state administration).

Measures targeted at improving the conditions for the **inclusive education** of students with disabilities are implemented continuously, depending on material and staffing possibilities.

The Methodology and Pedagogy Centre conducts education oriented on the rights of disabled persons and their integration in regular schools. Types of education: education designated for pedagogical and specialized staff, special education for education counsellors, qualification Special pedagogy for educators and pedagogical assistants in special schools and special

educational facilities and Qualification training for educators and pedagogical assistants at schools and school facilities. The Methodology and Pedagogy Centre annually supports the selection and processing of topics of attestation papers for the first and second attestation which are oriented on the presentation of the educational content to children and students with individual types of disabilities while using alternative forms and methods.

The Ministry of Education in upcoming period (2016) will work on designing materials for the conceptual development of inclusive conditions in the regional school system. It is impossible to make any statement regarding the specific timetable as of today. Conceptual work will include a thorough evaluation of the starting situation in the Slovak Republic. Theoretical sources and information prepared for the document of the European Agency for Special Needs and Inclusive Education, Position Paper on Inclusive Education Systems will be beneficial for this work since its aim is to support Member States in their efforts to develop and progress towards more inclusive educational systems. The primary content of the position document will be presented at the semi-annual meeting of the European Agency in November 2015 in Rome. As a Member State, we will have direct access to the relevant position document.

As to the topic of the **Human Rights Education**:

Issues related to human rights are elaborated in state educational programmes in goals which are specified in educational standards for individual subjects.

The Methodology and Pedagogy Centre, a nationwide organization directly managed by the Ministry of Education, fulfils the educational needs of pedagogical staff and specialized staff of schools and school facilities. With the intent to ensure the implementation of the National Plan of Education to Human Rights in terms of the sector of education from 2005, the Methodology and Pedagogy Centre organizes educational activities aimed at improving safety at schools, creating a positive social-emotional climate, preventing social-pathological phenomena such as harassment, crime, extremism and implementing information activities related to the battle against terrorism.

The content of educational activities and publications related to the issues of human rights was integrated into all types of education, in compliance with the National Plan of Education to Human Rights for the period of 2005 – 2014 – through the management of pedagogical staff, the pedagogical staff, education counsellors, coordinators of prevention, in education in the area of didactics, psychology, social sciences and multi-subject education, educational subjects, upbringing outside of classes and pre-school education and in finishing specialized qualification studies such as Ethics, etc.

Attention was paid to pedagogical staff and specialized staff education through accredited educational programmes hereinafter referred to as the “AEP”) thematically oriented on strengthening of the role of lifelong learning in adhering to human rights and democracy and supporting tolerance and respecting other nations and cultures (17 AEP). Total number of participants and graduates from 2010 to 2014 amounted to 4,026 and 3,090 respectively;

implementation of themes related to the issues of stereotypes and prejudice, xenophobia, racism, intolerance, cultural identity, cultural and religious differences (21 AEP), number of participants: 7,663, number of graduates: 5,572; gender equality (3 AEP), from 2011 to 2014 in total – 164 participants and 123 graduates; implementation of development themes, humanitarian aid, problems of current world in the upbringing and educational process (2 AEP), number of participating in education: 284, number of graduates: 237; integration and education of children of foreigners (1 AEP); concept of fighting extremism (10 AEP) and cybercrime related issues. Cyber-crime issues are thematised in the national project Activating methods in upbringing aimed at deepening and improving the competences of pedagogical staff and specialized staff with an emphasis on the ability to professionally use the activating methods in ethics, media and health education and traffic education; (6/2013 – 11/2015) as well in 4 accredited educational programmes oriented on the support of media literacy. In 2014, we registered 221 participants of this education and 433 participants.

From 2010 to 2014 the implementation of the aforementioned activities was particularly funded from the national project Professional and career growth of pedagogical staff (10/2009–10/2015) and through 3 national projects oriented on marginalised Roma communities.

As at 31.12.2014, at total of 44 EP oriented on issues related to human rights were accredited by the Methodology and Pedagogy Centre. From 2010 to 2014, a total of 14,794 participants and 10,976 graduates completed these accredited programmes. Interest in educational activities oriented on human rights is growing in the community of teachers (see the table below).

**Table - activities related to human rights in individual years.**

<b>Year</b>	<b>Number of AEP in which education was implemented</b>	<b>participants</b>	<b>graduates</b>
<b>2010</b>	<b>9</b>	<b>278</b>	<b>219</b>
<b>2011</b>	<b>16</b>	<b>2,414</b>	<b>1,924</b>
<b>2012</b>	<b>15</b>	<b>2,674</b>	<b>1,892</b>
<b>2013</b>	<b>26</b>	<b>4,116</b>	<b>1,585</b>
<b>2014</b>	<b>28</b>	<b>5,312</b>	<b>5,359</b>

Note: Every year, education was carried out in the AEP from previous years and in the new AEP.

108 teaching sources and publications oriented on issues related to human rights were published from 2005 to 2014 by the Methodology and Pedagogy Centre.

**As to the item 83 and 91** we would like to present the results of three National Projects of the Methodology and Pedagogy Centre specifically targeted on marginalised Roma communities, namely:

1. Educating pedagogical staff regarding the inclusion of marginalised Roma communities the aim of which is to improve the quality of educational standards of marginalised Roma communities through the training of pedagogical and specialized staff, to improve the chances for their further education and successful inclusion in the labour market (10/2011– 8/2015).
2. Inclusive model of education at the pre-primary level of school system (hereinafter referred to as “NP MRK II”), the aim of which is to improve the quality of the professional competences of pedagogical staff and specialized staff participating in educating children from marginalised Roma communities and thus supporting their social inclusion at the pre-primary level of the school system (2/2013-11/2015),
3. Project of inclusive education/ PRINED, aimed at creating better chances for students from marginalised Roma communities for the successful completion of elementary education and continuing at further levels of education and thus acquiring skills necessary in the labour market through implementing the inclusive model of education. (5/2014–11/2015).

The aim of these projects is the inclusion of the highest possible number of children from marginalised Roma communities in schools through the active education of parents and efforts to improve their preparedness for entry to the primary level of education, the successful completion of elementary education and continuing at further levels of education to create better chances for students from marginalised Roma communities in order to acquire skills necessary in the labour market. The development of communication competences and support for their learning the state language and its use is a priority for the integration of marginalised Roma communities in the majority society and their successful training and success in the labour market.

Three educational programmes specifically targeted at improving the quality of cooperation with students and parents of children from marginalised Roma communities, the cooperation of families from marginalised Roma communities and schools in the educational process and multicultural education in inclusive education are implemented under National Project Marginalised Roma communities.

As the title indicates (National Project of INclusive EDucation - PRINED), its role is to support a markedly inclusive environment in kindergartens and elementary schools with the aim of ensuring the prevention of the unjustified placement of students in the system of special schools. The role of acceleration programmes is to improve the quality of preparation of children from marginalised Roma communities in kindergartens for elementary schools entry. By creating inclusive teams at elementary schools, this project builds on the Methodology and Pedagogy Centre projects in progress: Through educating pedagogical staff on the inclusion of marginalised Roma communities (MRC 1) and the Inclusive model of education at the pre-primary level of the school system (MRC 2). The substantial benefit of

this project is the creation of inclusive teams consisting of pedagogical staff and experts (psychologists, special pedagogues, therapeutic pedagogues and social pedagogues) who will work with children not only at schools but also in the field. 100 elementary schools and 50 kindergartens participated in this project.

**As to the item 113** we presents the MRC4 project, which directly continues in the national Methodology and Pedagogy Centre projects presented in the statements above and its main goals are as follows:

- Implementation of the inclusive education model in kindergartens through pedagogical staff, specialized staff and pedagogical assistants and tutors in kindergartens, implementation of an accelerated stimulation programme for children of pre-school age who are not included in the school system;
- Support for the marked improvement of communication and cooperation with parents of children from a socially disadvantaged environment (marginalised Roma communities), improving their knowledge regarding the needs of their children in connection with the educational goals at kindergartens and elementary schools;
- Implementation of a newly created informal education model – training of children of pre-school age, who for various reasons, do not attend kindergarten, the creation of an accelerated stimulation programme oriented on achieving school maturity and partially replacing missing pre-primary education. The programme will be conducted by experienced pedagogical staff – kindergarten teachers in cooperation with a pedagogical assistant and the participation of tutors – family members;
- Activities of pedagogical assistants and specialized staff from the local elementary school in kindergarten during screening as a prevention of incorrect placement in special classes;
- Instructions for pedagogical staff of kindergartens regarding the implementation of specific stimulation programmes in kindergartens and informal education;
- Implementation of a day-long educational system in elementary schools (preparation for classes including) with students participating at least 3 times a week. This replaces insufficient preparation for classes at home in the case of students from marginalised Roma communities and increases the motivation to learn;
- Implementation of the inclusive education model in the elementary schools through pedagogical staff, specialized staff and pedagogical assistants; and
- Activities of inclusive teams – 2 pedagogical assistants, special pedagogue or school psychologist – full time and social pedagogue – part time (2 specialized staff) – improvement in success rate and motivation of students from marginalised Roma communities, improving the quality of the upbringing and education of students from marginalised Roma communities. The number of specialized staff at elementary schools is low and the elementary schools principals indicated this in the evaluation reports of the implemented National Project as one of the key factors for the inclusion and quality of education.

Number of participating elementary schools: 120; kindergartens: 50.

**With respect to item 65 and the issue of alleged coerced sterilisations** of Roma women in the Slovak Republic we wish to inform about the following:

The Act No. 576/2004 on healthcare and healthcare related services and on amendments to certain laws, as amended, (hereinafter “Healthcare Act”) stipulates in Section 6 that “The medical practitioner shall inform about the purpose, nature, consequences and risks of the healthcare procedure, the possibility to make a choice from the suggested healthcare options, and risks arising from refusal to receive healthcare” and give the “advice and explanation” (in Slovak “poučenie”) in a manner that is comprehensible and considerate and without pressure, allowing the patient the possibility and sufficient time to freely give or withhold his or her informed consent, and in a manner appropriate to the maturity of intellect and will and the state of health of the person concerned. In case of sterilisation, a written form of informed consent is required by law. The provision of any healthcare is thus subject to the patient’s informed consent. If despite the advice and explanation and the doctor's recommendations the patient does not consent to the proposed healthcare, the patient has the right to refuse to receive the advice and explanation, which fact must be recorded in writing. This actually amounts to an “informed dissent”. Any individual having the right to give informed consent also has the right to freely withdraw such consent at any time. Informed consent is a demonstrable consent to the provision of healthcare preceded by the giving of the advice and explanation in accordance with this Act.

The advice and explanation and informed consent of a patient are covered by Section 6 of the Healthcare Act. Pursuant to Section 6 (1), the medical practitioner is required to inform individuals referred to below of the purpose, nature, consequences and risks of the healthcare procedure, the possibility to make a choice from the suggested healthcare options, and risks arising from refusal to receive healthcare, unless the Act stipulates otherwise. The information obligation concerns particularly the individual to whom healthcare is to be provided, or their appointed legal representative or guardian if the individual to whom healthcare is to be provided is a minor child or is deprived of legal capacity or has limited legal capacity and, *mutatis mutandis*, also an individual unable to give informed consent. Pursuant to Section 6 (2), the medical practitioner is required to give the above advice and explanation in a manner that is comprehensible and considerate, and without pressure, allowing the patient the possibility and sufficient time to freely give or withhold his or her informed consent, and in a manner appropriate to the maturity of intellect and will and the state of health of the person concerned. Pursuant to Section 6 (3), any individual having the right to receive such advice and explanation also has the right to refuse to receive such advice and explanation. Such refusal must be recorded in writing. Pursuant to Section 6 (4), informed consent is a demonstrable consent to the provision of healthcare preceded by the giving of advice and explanation in accordance with the Healthcare Act. Informed consent is required, *inter alia*, for any sterilisation. Any individual having the right to give their informed consent also has the right to freely withdraw such consent at any time.

Section 40 of the Healthcare Act reads as follows:

“Sterilisation

(1) For the purposes of this Act, sterilisation is a procedure to preclude fertility without removing or damaging the individual's genital glands.

(2) Sterilisation may be performed only at the written request and with a written informed consent of the individual concerned if they have full legal capacity, or their legal representative if the individual concerned is not capable of giving informed consent, or upon court's order issued at the request of the individual's legal representative.

(3) The advice and explanation preceding the giving of informed consent must be given in the manner described in Section 6 (2) and must include information about:

- a) available alternative contraception and family planning methods,
- b) the possibility of change of the life circumstances which led to the filing of the sterilisation application;
- c) the medical consequences of sterilisation as a method aimed at the irreversible preclusion of fertility.

(4) The sterilisation application must be filled with the healthcare provider performing the sterilisation. For female applicants, sterilisation applications are considered and sterilisations performed by specialist physicians specialised in gynaecology and obstetrics; for male applicants, sterilisation applications are considered and sterilisations performed by specialist physicians specialised in urology.

(5) Sterilisation must be performed no sooner than 30 days after the giving of informed consent.”

Based on the report of the Council of Europe Commissioner for Human Rights, Thomas Hammarberg published on 20 December 2011, the Ministry of Health of the Slovak Republic drafted a bill to amend the Act No. 576/2004 on healthcare and healthcare related services and on amendments to certain laws, as amended, with a view to implement the principal documents on human rights and unify the sterilisation related procedures and practices of healthcare facilities; the bill contained an authorisation provision in respect of the adoption of a legal regulation of general application to regulate the details of procedures aiming to create conditions to guarantee that the execution of sterilisation be subject to informed consent in accordance with the Guidelines adopted by the International Federation of Gynaecology and Obstetrics, and template of informed consent in the state language and minority languages (including the Roma language).

The Ministry of Health of the Slovak Republic drafted the legal regulation of general application, the “Ordinance of the Ministry of Health of the Slovak Republic No. 56 of 23 October 2013 laying down the details of the advice and explanation to precede the giving of informed consent before the sterilisation of an individual, and template in the state language and minority languages of the informed consent to be given before the execution of sterilisation”, which became effective on 1 April 2014.

The subject of adverse consequences of coerced sterilisation is incorporated across the education curricula for both full-time and part-time students of all healthcare schools at which they acquire the qualification and competence for the specialist work in healthcare professions (Regulation of the Government of the Slovak Republic No. 296/2012 on the professional qualification and competence of healthcare professions, methods of further education of



healthcare professionals, the system of specialisations and the system of certified work activities), including the following courses: professional ethics, public health, community medicine, social health determinants, gynaecology and obstetrics, health law, nursing, gynaecological nursing, midwifery, community nursing, urgent healthcare, multicultural nursing, social work, etc. The subject is also systematically covered within the framework of qualification specialisation studies in the following fields of nursing care: surgery, nursing care of adults, intensive care in gynaecology and obstetrics, midwifery and family and community care of women, community nursing care, as well as the “Master of Public Health” programme focused on health sector management and organisation.

**With respect to the issue of deinstitutionalization of social service facilities** we would like to express, that we assume that the National pilot project of deinstitutionalization of social service facilities was aimed to set up and verify „mutual process“ of deinstitutionalization of social service facilities for people with disabilities and mental disorders. The pilot project serves as a valuable source of data for the preparation of other projects aimed at deinstitutionalization process and should not be seen as a general indicator for the whole region of Slovakia. From 2016 Slovakia will launch the national project of deinstitutionalization which builds on the experience of mentioned pilot project.

Done in Bratislava, October 9, 2015